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*Attorneys for Defendants AliphCom and Bodymedia,
Inc.*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

FITBIT, INC.

Plaintiff,

v.

ALIPHCOM d/b/a JAWBONE and
BODYMEDIA, INC.

Defendants.

Case No: 3:17-cv-1139-WHO

**NOTICE OF MOTION AND MOTION TO
WITHDRAW AS COUNSEL FOR
DEFENDANTS ALIPHCOM d/b/a
JAWBONE AND BODYMEDIA, INC.**

DATE: September 20, 2017
TIME: 2:00 p.m.
PLACE: Courtroom 2, 17th Floor

1 **TO THE COURT AND ALL ATTORNEYS OF RECORD:**

2 NOTICE IS HEREBY GIVEN that on September 20, 2017 at 2:00 p.m., or as soon thereafter
3 as the matter can be heard in Courtroom 2, 17th floor of the United States District Court for the
4 Northern District of California, located at 450 Golden Gate Avenue, San Francisco, CA 94102,
5 Marton Ribera Schumann & Chang LLP, counsel for Defendants, will move this Court for an Order
6 allowing Marton Ribera Schumann & Chang LLP to withdraw as counsel of record in this matter.

7 **MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANTS**

8 Pursuant to Federal Rule of Civil Procedure 24(c) and Civil Local Rule 11-5 all attorneys
9 listed below from Marton Ribera Schumann & Chang LLP move for withdrawal as counsel for
10 Defendants AliphCom d/b/a Jawbone and BodyMedia, Inc. (“Jawbone”) in the above-captioned case.

11 Counsel is moving for withdrawal for professional reasons. Pursuant to Civil Local Rule 11-
12 5, counsel has provided Jawbone with notice of its intent to withdraw. Jawbone does not oppose
13 counsel’s request for withdrawal, but requests a stay to allow Jawbone sufficient time to assess how
14 to proceed.

15 Counsel informed Plaintiff Fitbit, Inc. of counsel’s intent to withdraw on August 10, 2017.
16 Fitbit did not indicate whether it had any opposition to this request. Counsel’s withdrawal will not
17 cause any prejudice to Fitbit. Currently, the parties have patent local rules disclosures deadlines and
18 a claim construction hearing and tutorial set in February 2018. *See* Dkt. 52. There are otherwise no
19 impending discovery deadlines or trial date set. This motion is made in good faith and not for the
20 purposes of delay or any other improper purposes. Counsel makes this motion for withdrawal in the
21 interest of justice and as stated, welcomes a conference to address any of the Court’s concerns.

22
23 Dated: August 11, 2017

Respectfully submitted,

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25 MARTON RIBERA SCHUMANN & CHANG LLP

26 By: /s/ Carolyn Chang
Carolyn Chang

27
28 CAROLYN CHANG (SBN 217933)
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CERTIFICATE OF SERVICE

I hereby certify that on August 11, 2017, I caused to be electronically filed the foregoing Notice of Motion and Motion to Withdraw with the Clerk of the Court via CM/ECF. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing systems.

Dated: August 11, 2017

By: /s/ Carolyn Chang
Carolyn Chang